

## Emergency Purchase 63G-6a-803

On Wednesday June 3<sup>rd</sup>, 2020 we obtained approval for an Emergency Procurement for the purchase of the following item:

Specialty Pharmacy Prescription Ibrance 125mg tablets 28 day supply in the amount of \$14,939.24.

This was prescribed for an offender currently housed at our facility and under the care of our Clinical Services Division. Medication was needed to be delivered Thursday June 4<sup>th</sup>, 2020 in order to comply with prescribed chemotherapy schedule and appointments.

We contacted State Purchasing on May 29, 2020 for assistance with this and spoke with Nick Hughes who works extensively with the MMCAP contracts and he said that Diplomat pharmacy is contracted with MMCAP but there was not a contract for the State of Utah with them under MMCAP. He suggested that he could reach out and see about entering into one but it would take more time than we had. He suggested working with Diane Schmidt for the purchase in order to make our order deadline of Tuesday June 2<sup>nd</sup> 2020 for delivery as needed on Thursday, June 4<sup>th</sup>, 2020. An RQS was entered and documentation sent up to Diane Schmidt for her to work on the procurement.

Diplomat was not set up in the Finet Vendor System. We requested a W9 form from them in order to get them set up. They were also sent a Vendor Information Form to complete, sign, and send back to us. There was a delay in getting the vendor form sent back to us by Diplomat. They were having internal issues getting it signed. We started contacting them Wednesday afternoon for the form so we could get them set up and a Purchase Order issued but we were unsuccessful in getting the form back from them until 4:22 p.m. which at that time it was too late.

It was at this point that we requested approval from our Clinical Services Director Tony Washington to process it as an emergency procurement and make payment

with a P-Card in order to get it shipped out FedEx overnight and delivered Thursday June 4<sup>th</sup> 2020 as required for treatment.

Emergency Procurement Authority for our Clinical Services Bureau has been delegated from our Executive Director Mike Haddon to Tony Washington as stated in the attached memo.

It was determined that it was necessary to proceed with this procurement as an Emergency in order to mitigate a circumstance that was likely to have a negative impact on the health, safety, and welfare of our offender and to protect the legal interest of our Department as stated in 63G-6a-803.

Please see supporting documentation regarding this matter.

If you require any additional information please let me know.



State of Utah

MIKE HADDON  
Executive Director

## Utah Department of Corrections Clinical Services Bureau

TONY J. WASHINGTON  
Bureau Director

BLITCH SHUMAN  
Deputy Bureau Director

### MEMORADUM

To: Mike Haddon, Executive Director, Utah Department of Corrections

From: Tony Washington, Clinical Services Bureau Director

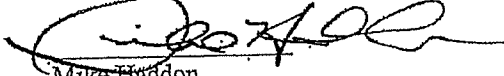
Date: May 16, 2018  
Amended October 3, 2018

Re: Delegation of Authority Emergency Procurement UCA 63G-6a803 UAC R33-8-401.

The purpose of this policy is to establish the process for emergency purchases for Executive Branch State Agencies. After the emergency has been abated, the Executive Director, or designee shall sign all documents related to the emergency procurement.

Clinical Services Bureau is requesting that the Department of Corrections Executive Director authorize Tony Washington and/or Blitch Shuman to authority emergency procurements for the Clinical Services Bureau, effective May 16, 2018. Amended October 3, 2018 title change of Mike Haddon to Executive Director.

☐ Reviewed  
☐ Denied  
☒ Approved

  
Mike Haddon  
Executive Director



# Utah Division of Purchasing and General Services

## POLICIES AND PROCEDURES

**Subject:** Emergency Purchase Process for Executive Branch State Agencies  
**Reference:** UCA 63G-6a-803 UAC R33-8-401, Delegation to Executive Directors updated  
January 31, 2018

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### Purpose:

The purpose of this policy is to establish the process for emergency purchases for Executive Branch State Agencies.

### Definitions:

"Executive Branch Procurement Unit" means a department, division, office, bureau, agency, or other organization within the state executive branch.

### Policy:

The Executive Branch Procurement Unit shall conduct an emergency procurement as outlined in UCA 63G-6a-803, UAC R33-8-401, and as described in the limited purchasing delegation to Executive Branch Procurement Units from Christopher W. Hughes, Director of Purchasing on January 31, 2018.

After the emergency has been abated, the Executive Director, or designee, of the Executive Branch Procurement Unit shall prepare and submit a written document explaining the emergency condition that necessitated the emergency procurement to [purchasingsolicitations@utah.gov](mailto:purchasingsolicitations@utah.gov). The written document must also demonstrate that the emergency procurement was conducted according to the referenced Code and Rule.



Lynnie Posso &lt;lposso@utah.gov&gt;

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## Emergency Procurement Documentation

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**Tony Washington** <twashington@utah.gov>  
To: Lynnie Posso <lposso@utah.gov>  
Cc: Deana Kenyon <dkenyon@utah.gov>

Mon, Jun 15, 2020 at 4:16 PM

Lynnie,

I followed up with Deana and we are good with how presented here.

Thanks,

Tony

On Thu, Jun 11, 2020 at 6:26 PM Lynnie Posso <lposso@utah.gov> wrote:

Attached is the written letter of documentation I would like to submit to State Purchasing regarding the Ibrance Specialty Drug Prescription as required under 63G-6a-803.

Can you please look it over and let me know if I have stated all the facts correctly?

Thanks for your help.

--

Lynnie Posso  
Utah Department of Corrections  
Purchasing Agent  
801-576-7780

--

Tony J. Washington  
MBA, Healthcare Administration  
Clinical Service Bureau Director  
Utah Department of Corrections  
(385) 249-7663

*"The outer conditions of a person's life will always be found to be harmoniously related to his inner state...Men do not attract that which they want, but that which they are." ~ James Allen*



Lynnie Posso &lt;lposso@utah.gov&gt;

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## Specialty Drug Purchase- Diplomat

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Lynnie Posso &lt;lposso@utah.gov&gt;

Wed, Jun 3, 2020 at 4:49 PM

To: Tony Washington &lt;twashington@utah.gov&gt;

Cc: Diane Schmidt &lt;dschmidt@utah.gov&gt;, Bonnie Broadhead &lt;bbroadhead@utah.gov&gt;, Chase Adams &lt;cbadams@utah.gov&gt;, Deana Kenyon &lt;dkenyon@utah.gov&gt;, Robert Bond &lt;robertbond@utah.gov&gt;

With the attached Delegation of Emergency Procurement Memo that was approved by Executive Director Haddon delegating the approval to Director Washington we should be good to move forward with this as an emergency. I am working with Diplomat to get this paid with my PCard and shipped out via UPS tonight. The prescription will ship out as written for Ibrance 125 mg capsules 21 tabs (28day supply) \$14,940.00. I will send confirmation and tracking information once I have it.

On Wed, Jun 3, 2020 at 4:15 PM Tony Washington <twashington@utah.gov> wrote:

Thank you for the insight. We will need to move very quickly as we have to have this medication for medical treatment.

I have included Robert Bond on this email as we will need to get this to the director Haddon as soon as possible.

Thank you

Tony!!!

On Wed, Jun 3, 2020 at 4:12 PM Diane Schmidt <dschmidt@utah.gov> wrote:

Good afternoon everyone,

Just to be clear, State Purchasing is not recommending that you make an emergency purchase and we will not make the call on whether or not this is an emergency purchase. If you feel that this is an emergency procurement, then it will be approved by your executive director and will be done outside of the standard procurement process associated with State Purchasing. Afterward, documentation of the emergency condition that necessitated the procurement will need to be sent to us.

Please see this policy for more information. You can also check out the Code and Rule if necessary before making that determination.

Let me know if you have any questions.

Thanks,

On Wed, Jun 3, 2020 at 4:02 PM Lynnie Posso <lposso@utah.gov> wrote:

Chase.

In order to place this emergency purchase with my credit card I will need to increase my credit limit by \$20,000.00 to cover the cost of the medication and the overnight freight. Please let me know if there is any additional information you need from me to make the increase.

Thanks so much for your help.

----- Forwarded message -----

From: **Bonnie Broadhead** <bbroadhead@utah.gov>

Date: Wed, Jun 3, 2020 at 3:42 PM

Subject: Fwd: Specialty Drug Purchase- Diplomat

To: Lynnie Posso <lposso@utah.gov>, Deana Kenyon <dkenyon@utah.gov>

--

Bonnie Broadhead  
Support Services Coordinator III  
USP Clinical Services  
Phone #801-576-7077  
Fax #801-576-4051  
email [bbroadhead@utah.gov](mailto:bbroadhead@utah.gov)

----- Forwarded message -----

From: **Tony Washington** <[twashington@utah.gov](mailto:twashington@utah.gov)>  
Date: Wed, Jun 3, 2020 at 3:41 PM  
Subject: Re: Specialty Drug Purchase- Diplomat  
To: Bonnie Broadhead <[bbroadhead@utah.gov](mailto:bbroadhead@utah.gov)>

Approved!!!!

On Wed, Jun 3, 2020 at 3:37 PM Bonnie Broadhead <[bbroadhead@utah.gov](mailto:bbroadhead@utah.gov)> wrote:

Tony,

We have not been able to get all the signatures needed for State Purchasing to process this prescription through our system and in order for us to place this order as soon as possible we need to do a Visa Credit Card Emergency Purchase.

Purchasing needs your approval to place this order by you responding back to this email.

--

Bonnie Broadhead  
Support Services Coordinator III  
USP Clinical Services  
Phone #801-576-7077  
Fax #801-576-4051  
email [bbroadhead@utah.gov](mailto:bbroadhead@utah.gov)

--

Tony J. Washington  
MBA, Healthcare Administration  
Clinical Service Bureau Director  
Utah Department of Corrections  
(385) 249-7663

*"The outer conditions of a person's life will always be found to be harmoniously related to his inner state...Men do not attract that which they want, but that which they are." ~ James Allen*

--

Lynn Posso  
Utah Department of Corrections  
Purchasing Agent  
801-576-7780

--

In an effort to continually improve our service, please take this brief survey: Division of Purchasing Customer Experience Survey.

Diane Schmidt, Purchasing Agent  
State of Utah  
Division of Purchasing  
4315 S 2700 W FL 3  
Taylorsville, UT 84129-2128  
Phone: (801) 957-7149

email: dschmidt@utah.gov  
Office Hours: 7:30 AM - 4:00 PM Monday - Friday

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--

Tony J. Washington  
MBA, Healthcare Administration  
Clinical Service Bureau Director  
Utah Department of Corrections  
(385) 249-7663

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--

Lynn Posso  
Utah Department of Corrections  
Purchasing Agent  
801-576-7780



**20200603163847036 (1).pdf**  
189K



Lynnie Posso &lt;lposso@utah.gov&gt;

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## Specialty Prescription Needed

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Lynnie Posso &lt;lposso@utah.gov&gt;

Fri, May 29, 2020 at 10:28 AM

To: Nick Hughes &lt;nhughes@utah.gov&gt;

Cc: Diane Schmidt &lt;dschmidt@utah.gov&gt;, Deana Kenyon &lt;dkenyon@utah.gov&gt;

Nick,

Thank you for the quick response. I believe Deana contacted you as well. I will work with her to see if she feels the need to get a contract set up with them in the future but for this one I think it's best as you stated to try to get some quotes quickly and work with Diane to get a PO cut. We will let you know if we have any additional questions.

Thanks again.

On Fri, May 29, 2020 at 10:21 AM Nick Hughes &lt;nhughes@utah.gov&gt; wrote:

Lynnie,

Thank you so much for reaching out in regards to obtaining some specialty products. I would love to help you out but I don't believe the MMCAP contract at this point is the best route at this time. The reason is that although Diplomat Specialty Pharmacy has a contract with MMCAP, they don't have a contract with Utah. Usually how it works is that MMCAP will set up a master agreement and then each State is free to sign a subsequent specific state contract underneath the master agreement. For example, the Cardinal Health contract has a master agreement with MMCAP and Utah has set up a specific state contract with them.

I can initiate the process of setting up an individual state contract with Diplomat Speciality Pharmacy, however, that usually takes a couple of weeks at a minimum because we work with their legal counsel to ensure everything is done correctly. Again, I can do this, but I don't think it will work with your schedule and is why I do not believe it is the best option at this time.

With that being said, as the products you are requesting are not on contract at this time, then based on the dollar amount I think you could obtain quotes fairly quickly and get a PO cut for the product as soon as possible. However, if you feel like there is only one pharmacy that really meets your needs with delivery, timeframe, etc., then you can try to justify it as a sole source, which I think would be a reasonable route at this point. Not only that, but with most purchases such as this, the State actually isn't receiving a specific benefit as the products purchased are for patients/inmates/clients, etc. so I would feel comfortable signing off on that if this is what they need and the only pharmacy that can get it to them in time.

Let me know if you have any questions on the next steps. Again, I am happy to initiate a contract with Diplomat for future use, but in the case at hand, it would take sometime before you would even be able to use it. I hope that makes sense.

If you go the route of getting quotes or sole source, Diane can help you with that and I'd be more than happy to sign off on the purchase to try and get it done quickly for you.

Cheers,

Thank you for allowing me to assist you. To better serve you in the future, please take this brief survey: Division of Purchasing Customer Experience Survey.

**Nicholas D. Hughes, J.D.**

State Contract Analyst

State of Utah Division of Purchasing

4315 S 2700 W FL 3

Taylorsville, UT 84129

**Phone: 801-957-7141**Website: [www.purchasing.utah.gov](http://www.purchasing.utah.gov)**Working Hours:** Monday - Friday 7:30 AM - 4:00 PM

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On Fri, May 29, 2020 at 10:08 AM Linnie Posso <lposso@utah.gov> wrote:

Nick,

We are in need of a prescription that is only carried by limited Speciality Pharmacies. We have checked with Cardinal Health as they are on State Contract for Pharmaceuticals and they cannot get this item. We contacted Pfizer who sent us a list of pharmacies permitted to supply it and was able to get a quote from Diplomat Speciality Pharmacy who is contracted under MMCAP.

The item we need is Ibrance 25mg capsules priced at \$14,940.00

Our Clinical Service Pharmacy Director has requested to get this item ordered by next Tuesday so they can begin the therapy by next Thursday.

Can you let me know the best way to proceed?

Thanks for your help.

--

Linnie Posso  
Utah Department of Corrections  
Purchasing Agent  
801-576-7780

--

Linnie Posso  
Utah Department of Corrections  
Purchasing Agent  
801-576-7780



Lynnie Posso &lt;lposso@utah.gov&gt;

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## Specialty Drugs ... and MMCAP

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**Deana Kenyon** <dkenyon@utah.gov>

Fri, May 29, 2020 at 10:14 AM

To: Nick Hughes &lt;nhughes@utah.gov&gt;

Cc: Bonnie Broadhead &lt;bbroadhead@utah.gov&gt;, Lynnie Posso &lt;lposso@utah.gov&gt;

Nick,

Lynnie in finance asked me to contact you regarding the possible use of Diplomat Specialty Pharmacy for an oral chemotherapy drug.

This particular drug is only available through a limited number of specialty drug pharmacies and we do not have a contract with any of them directly. However MMCAP does have a contract with Diplomat Specialty Pharmacy.

Lynnie wanted to make sure that we would be ok to obtain this through them ourselves.

The only other choice would be to inform Huntsman and then have them purchase the drug through a specialty pharmacy for the patient, and then charge us additional fees for purchasing it, (which usually costs several thousand more.) So I would prefer to go directly to Diplomat ourselves, and then if they do offer a discount to MMCAP members then we might reap that as well.

Can you please advise us all if this is feasible? (Bonnie, Lynnie, and myself.... )

Thank you,  
Deana

attached is a copy of the specialty pharmacies that are licensed to carry this particular medication.

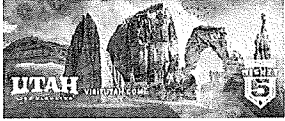
--

Deana M. Kenyon, PharmD

Director of Pharmacy  
Clinical Services Bureau  
Utah State Prison  
14425 Bitterbrush Lane  
Draper, UT 84020  
(801) 576-7116



**Ibrance Specialty Pharmacy Listing and PI 2015.pdf**  
320K



Lynnie Posso &lt;lposso@utah.gov&gt;

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**Re: Specialty Drug purchase**

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**Diane Schmidt** <dschmidt@utah.gov>  
To: Deana Kenyon <dkenyon@utah.gov>  
Cc: Lynnie Posso <lposso@utah.gov>

Mon, Jun 1, 2020 at 11:39 AM

Hey Deana,

I called Diplomat this morning and they said that they were sending the W-9 over, but I never received it. I also tried to call back again, but was once again sent to voicemail.

Without their W-9 and the attached vendor form we cannot cut a PO for this. If you can, I would recommend that you try to get in touch with them to gather this information so that I can process this. It can also take up to a couple of days to get a vendor number created once we request it, so at this stage, I can't guarantee that this purchase will be able to be completed by tomorrow as originally requested.

If for any reason this purchase would be considered an emergency based on the need for this medication, you can consider an emergency procurement.

Thanks,

On Mon, Jun 1, 2020 at 11:22 AM Deana Kenyon <dkenyon@utah.gov> wrote:

Diane,

Where are we on our ability to purchase lbrance from Diplomat Specialty Pharmacy for our patient here in the prison?

Deana

--

Deana M. Kenyon, PharmD

Director of Pharmacy  
Clinical Services Bureau  
Utah State Prison  
14425 Bitterbrush Lane  
Draper, UT 84020  
(801) 576-7116

--

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Diane Schmidt, Purchasing Agent  
State of Utah  
Division of Purchasing  
4315 S 2700 W FL 3  
Taylorsville, UT 84129-2128  
Phone: (801) 957-7149  
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6/5/2020

State of Utah Mail - Re: Specialty Drug purchase

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**Vendor Information Form.docx**

25K



Lynn Posso &lt;lposso@utah.gov&gt;

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**Fwd: Ibrance prescription for UDC inmate**

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**credentialing@diplomat.is** <credentialing@diplomat.is>

Wed, Jun 3, 2020 at 2:55 PM

To: "Hodges, LaShawn" &lt;LHodges@diplomat.is&gt;, "credentialing@diplomat.is" &lt;credentialing@diplomat.is&gt;

Cc: "Fletcher, Heather" &lt;hfletcher@diplomat.is&gt;, Lynn Posso &lt;lposso@utah.gov&gt;, Deana Kenyon &lt;dkenyon@utah.gov&gt;, Diane Schmidt &lt;dschmidt@utah.gov&gt;

Hi LaShawn,

No, I do not know. Someone forwarded me a lengthy email thread from yesterday or the day before that raised a lot of questions about whether or not there was a contract involved in this...our signer has raised some questions. It sounds like there was a lot more going on with this than I was aware of. I'm sorry but I don't have an answer for you at this time.

Thank you,

---

**Shawn Ochs**, Credentialing Supervisor

sochs@diplomat.is | diplomat.is

p: 810.768.9429 | f: 855-603-5113

**"Take good care of patients, and the rest falls into place."**

— DALE HAGERMAN, DIPLOMAT CO-FOUNDER

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**From:** Hodges, LaShawn <LHodges@diplomat.is>**Sent:** Wednesday, June 3, 2020 4:47 PM**To:** credentialing@diplomat.is**Cc:** Fletcher, Heather <hfletcher@Diplomat.is>; Lynn Posso <lposso@utah.gov>; Deana Kenyon <dkenyon@utah.gov>; Diane Schmidt <dschmidt@utah.gov>**Subject:** RE: Ibrance prescription for UDC inmate**Importance:** High

Hello,

Do we have an estimated time on the signature on the vendor form?

**LaShawn Hodges**, PASR Risk Management Supervisor

[lhodges@diplomat.is](mailto:lhodges@diplomat.is) | [diplomat.is](http://diplomat.is)

p: 810.768.9709 | f: 810.282.0134



**"Take good care of patients, and the rest falls into place."**

— DALE HAGERMAN, DIPLOMAT CO-FOUNDER

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**From:** Lynnie Posso [mailto:[lposso@utah.gov](mailto:lposso@utah.gov)]

**Sent:** Wednesday, June 3, 2020 4:39 PM

**To:** Deana Kenyon <[dkenyon@utah.gov](mailto:dkenyon@utah.gov)>; Hodges, LaShawn <[LHodges@diplomat.is](mailto:LHodges@diplomat.is)>; Diane Schmidt <[dschmidt@utah.gov](mailto:dschmidt@utah.gov)>

**Subject:** Re: Ibrance prescription for UDC inmate

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LaShawn,

Can you tell me where it is at on the pending signature? State Purchasing will need this form in order to get you set up as a Vendor prior to the PO being issued. Do you know when the form will be signed and returned?

On Wed, Jun 3, 2020 at 2:33 PM Deana Kenyon <[dkenyon@utah.gov](mailto:dkenyon@utah.gov)> wrote:

Lynnie,

I just received this from Diplomat at the same time as your email... Does this help to figure out our next step?

Deana

----- Forwarded message -----

From: **Hodges, LaShawn** <LHodges@diplomat.is>

Date: Wed, Jun 3, 2020 at 2:31 PM

Subject: RE: Ibrance prescription for UDC inmate

To: Deana Kenyon <dkenyon@utah.gov>

Cc: Smith, Laurie <LSmith2@diplomat.is>

Hello,

I spoke with Lynnie on yesterday she asked we invoice UTAH Department of Corrections for reimbursement for the Ibrance. I informed her our policy is to have a completed purchase order on file prior to dispensing any drugs that are being invoiced for reimbursement. I received the vender form and it is pending a signature however I have not received the purchase order.

Once I received the completed purchase order we can have delivery set up.

**LaShawn Hodges**, PASR Risk Management Supervisor

[lhodges@diplomat.is](mailto:lhodges@diplomat.is) | [diplomat.is](http://diplomat.is)

p: 810.768.9709 | f: 810.282.0134



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— DALE HAGERMAN, DIPLOMAT CO-FOUNDER

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**From:** Deana Kenyon [mailto:dkenyon@utah.gov]

**Sent:** Wednesday, June 3, 2020 1:54 PM

**To:** Hodges, LaShawn <LHodges@diplomat.is>

**Subject:** Ibrance prescription for UDC inmate

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LaShawn,

I am the Director of Pharmacy at the Utah State Prison and was trying to find out if the Ibrance prescription was filled and sent to our inmate, Barbara Hendersen... She is supposed to start this medication tomorrow morning so that she will be on schedule with her chemotherapy schedule and appointments.

Can you please let me know if it was sent, and when to expect it?

Thank you,

Deana

--

Deana M. Kenyon, PharmD

Director of Pharmacy

Clinical Services Bureau

Utah State Prison

14425 Bitterbrush Lane

Draper, UT 84020

(801) 576-7116

--

Deana M. Kenyon, PharmD

Director of Pharmacy

Clinical Services Bureau

Utah State Prison

6/5/2020

State of Utah Mail - Fwd: Ibrance prescription for UDC inmate

14425 Bitterbrush Lane

Draper, UT 84020

(801) 576-7116

--

Lynnie Posso

Utah Department of Corrections

Purchasing Agent

801-576-7780



# State of Utah Vendor Information Form

Legal Company Name (include d/b/a if applicable) Diplomat Pharmacy, Inc., DBA Diplomat Specialty Pharmacy		Federal Tax Identification Number* 38-2063100		State of Utah Sales Tax ID Number	
Ordering Address 4100 S. Saginaw Street		City Flint		State MI	Zip Code 48507-2683
Remittance Address (if different from ordering address) PO Box 674816		City Detroit		State MI	Zip Code 48267-4816
Type <input type="checkbox"/> Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Government <input checked="" type="checkbox"/> For-Profit Corporation <input type="checkbox"/> Non-Profit Corporation <input type="checkbox"/> Individual		Company Contact Person LaShawn Hodges			
Telephone Number (include area code) 810-768-9709		Fax Number (include area code) 810-282-0134			
Company's Internet Web Address www.diplomat.is		Email Address Lhodes@diplomat.is			
Discount Terms (for bid purposes, bid discounts less than 30 days will not be considered)		Days Required for Delivery After Receipt of Order (see attached for any required minimums) ASAP			
Parent Company Diplomat Pharmacy Inc., DBA Diplomat Specialty Pharmacy		Parent Company Federal Tax Identification Number 38-2063100			
Parent Company Address 4100 S. Saginaw Street		City Flint		State MI	Zip Code 48507-2683
Is Vendor (owners, principles, partners) a retiree currently receiving benefits through the Utah Retirement Systems (URS)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is Vendor (owners, principles, partners) currently employed by the State of Utah? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
The undersigned certifies that the goods or services offered are produced, mined, grown, manufactured, or performed in Utah. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, enter where produced, etc. Ibrance is manufactured by Pfizer					
Offeror's Authorized Representative's Signature 		State of Utah Division of Purchasing Approval			
Type or Print Name Brooke Bliss		Christopher Hughes Director			
Position or Title of Authorized Representative AVP- Operational Services		Date:			
Date: 6/3/2020		Contract Number			

\*Please provide W-9 or IRS Letter 147C

## Request for Taxpayer Identification Number and Certification

Give Form to the  
requester. Do not  
send to the IRS.

Print or type  
See Specific Instructions on page 2.

Name (as shown on your income tax return) <b>Diplomat Pharmacy, Inc</b>	
Business name/disregarded entity name, if different from above	
Check appropriate box for federal tax classification: <input type="checkbox"/> Individual/sole proprietor <input checked="" type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate  <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____  <input type="checkbox"/> Other (see instructions) ▶ _____	Exemptions (see instructions):  Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____
Address (number, street, and apt. or suite no.) <b>4100 S Saginaw St</b> City, state, and ZIP code <b>Flint, MI 48507</b>	Requester's name and address (optional)
List account number(s) here (optional)	

<b>Part I Taxpayer Identification Number (TIN)</b> Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I Instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> on page 3.  <b>Note.</b> If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.	<b>Social security number</b> [ ][ ] - [ ][ ] - [ ][ ][ ][ ]  <b>Employer identification number</b> [ 3 ] [ 8 ] - [ 2 ] [ 0 ] [ 6 ] [ 3 ] [ 1 ] [ 0 ] [ 0 ]
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<b>Part II Certification</b> Under penalties of perjury, I certify that:  1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and  2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and  3. I am a U.S. citizen or other U.S. person (defined below), and  4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.  <b>Certification Instructions.</b> You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.
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<b>Sign Here</b>	Signature of U.S. person ▶ 	Date ▶ <b>1/23/2015</b>
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### General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.  
**Future developments.** The IRS has created a page on [www.irs.gov/w9](http://www.irs.gov/w9) for information about Form W-9, at [www.irs.gov/w9](http://www.irs.gov/w9). Information about any future developments affecting Form W-9 (such as legislation enacted after we release it) will be posted on that page.

### Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, payments made to you in settlement of payment card and third party network transactions, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the

withholding tax on foreign partners' share of effectively connected income, and

4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct.

**Note.** If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.



Lynnie Posso &lt;lposso@utah.gov&gt;

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**Fwd: Ibrance prescription for UDC inmate**

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**Diane Schmidt** <dschmidt@utah.gov>

Thu, Jun 4, 2020 at 9:58 AM

To: Lynnie Posso &lt;lposso@utah.gov&gt;

Good morning Lynnie,

Just wanted to let you know that we do have a vendor number for Diplomat now if we need to use it in the future: VC238234

Also, I followed up with Nick and he said we might not be able to do a contract with Diplomat right now. The response he got from MMCAP was that Diplomat is currently going through an M & A (Merger and Acquisition) and is not signing any contracts at this time until that is complete. So it may very well be an option in the future, but it looks like he may not be able to get that in place right now.

If you have any other questions on it, please let me know or feel free to contact Nick directly and he can assist you further.

[Quoted text hidden]

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In an effort to continually improve our service, please take this brief survey: Division of Purchasing Customer Experience Survey.

Diane Schmidt, Purchasing Agent  
State of Utah  
Division of Purchasing  
4315 S 2700 W FL 3  
Taylorsville, UT 84129-2128  
Phone: (801) 957-7149  
email: dschmidt@utah.gov  
Office Hours: 7:30 AM - 4:00 PM Monday - Friday

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Heather 810-768-9709  
Lashawn  
Hodges

**Patient Receipt - This is not a bill**

Copay subject to change pending final verification of insurance.  
 Copay may not include secondary billing, patient assistance payments, or deductible and out of pocket amounts.

# To be billed upon insurance payment. #

If you wish to make a payment, please mail to payment address.

BARBARA HENDERSON

3390 S GREENMONT DR  
 WEST VALLEY CITY UT, 84120-1702

(385)492-9693

Patient DOB: 10-13-1962

Dr. TODD GAY

Shipped To:

14425 S BITTERBRUSH LN  
 DRAPER UT, 84020-9501

Payment Address:

PO Box 674811  
 DETROIT MI, 48267-4811

Order Number: 15323321

Shipping Method: UPS Next Day Air

Need Date: Jun 04, 2020



Item #	Refrigeration (YES/NO)	Description	***Some Items May Require Refrigeration***	Qty	Qty	Fill	Date	Copay
RX/OTC	NO	IBRANCE 125 MG TABS	NDC	Ordered	Shipped			
30184838	NO	IBRANCE 125 MG TABS	00069068803	21	21		06/03/2020	\$14939.24
30184834	NO	MED DISPOSAL EDUCATION	90003000530	1	1		06/03/2020	

*Received*  
*Diplomat*  
 06/04/2020

**Diplomat GLDC  
4100 S. SAGINAW ST. STE D  
FLINT, MI 48507**

Patient Profile for HENDERSON, BARBARA  
3390 S GREENMONT DR  
WEST VALLEY CITY, UT 841201702

ID # XXXXXXXX4307

Profile Dates: 5/9/2020 to 6/9/2020

RX	RF	Drug Name NDC	Dispensed	Qty Left	Fill Date	Total Amount	Patient Pay	Doctor Name Plan	Status
30184837	0	ENVELOPES FOR PAYMENT 90003000027	1	0	03-JUN-20	\$0.00	\$0.00	GAY, TODD MHEALTH CO-OP	OPEN
30184836	0	WELCOME PACKET NAVITUS 90003000038	1	0	03-JUN-20	\$0.00	\$0.00	GAY, TODD MHEALTH CO-OP	OPEN
30184838	0	IBRANCE 125 MG TABS 00069068803	21	126	03-JUN-20	\$14,939.24	#####	GAY, TODD CASH PAY PATIENT	OPEN
30184835	0	NUTRITION EDUCATION 900030000531	1	0	03-JUN-20	\$0.00	\$0.00	GAY, TODD MHEALTH CO-OP	OPEN
30184834	0	MED DISPOSAL EDUCATION 900030000530	1	0	03-JUN-20	\$0.00	\$0.00	GAY, TODD MHEALTH CO-OP	OPEN
30184833	0	ECOSYSTEM OVERVIEW 900030000529	1	0	03-JUN-20	\$0.00	\$0.00	GAY, TODD MHEALTH CO-OP	OPEN
30184832	0	IBRANCE CARE KIT 900030000541	1	0	03-JUN-20	\$0.00	\$0.00	GAY, TODD MHEALTH CO-OP	OPEN

Number of Claims	7
Total Copay	\$14,939.24
Total Dollar Amount	\$14,939.24



Lynn Posso &lt;lposso@utah.gov&gt;

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**Re: SCC for Pharmaceuticals**

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**Kenny DeLand** <kdeland@utah.gov>

Tue, Jun 16, 2020 at 10:00 AM

To: Deana Kenyon &lt;dkenyon@utah.gov&gt;

Cc: Nick Hughes &lt;nghuges@utah.gov&gt;, Lynn Posso &lt;lposso@utah.gov&gt;, Tara Eutsler &lt;teutsler@utah.gov&gt;

Deana,

Thanks for the info. Every little bit helps. I just wanted to get the information from your end, so we knew what we were working with and what challenges we have to deal with. Hopefully we can put something together that helps us speed up the process for your next specialty drug order.

Thanks

**Kenny DeLand**  
**Correctional Program Coordinator II**  
**Utah Department of Corrections**  
**Clinical Services Bureau**  
**801-576-7078 (Work)**  
**385-234-5774 (Home)**  
**kdeland@utah.gov**

On Tue, Jun 16, 2020 at 9:47 AM Deana Kenyon &lt;dkenyon@utah.gov&gt; wrote:

Kenny,

There seems to be a bit of confusion regarding this particular medication.

This is a specialty drug, with an extremely limited and controlled distribution. When the order was entered in M-track, I contacted Cardinal Health to determine if they through their specialty department could obtain Ibrance. I was informed at that time on May29th that Ibrance was only available through the specialty pharmacies on the provided list (see attached list on page 2). The list was provided by the manufacturer.

None of the pharmacies on that exclusive list however are on state contract. There was one that was on contract with MMCAP. So we started the process to obtain the medication from Diplomat Specialty Pharmacy.

*Each time I have tried to explain this limited access and the limited number of specialty pharmacies that have the medication, someone keeps bringing up other specialty pharmacies that are on state contract, without actually understanding that those companies do not have access to Ibrance from the manufacturer.*

I already have access to purchase specialty pharmaceuticals through Cardinal, unless it is one of these rare drugs that has an extremely limited distribution, such as this patient's Ibrance. As this is an on-going treatment for a current patient, I will need to have access to purchase Ibrance again, so will need one of the listed specialty pharmacies available to order from. My next purchase as now scheduled would be for a treatment to begin on July 2, 2020 (in less than 17 days), and I would need to have that medication on hand no later than July 1st.

Now to further explain the complicated situation that arose...

Prior to her return to prison, this patient was receiving Ibrance through her providers at the U and it was being shipped from Diplomat Specialty Pharmacy to the U's pharmacy on the patients behalf. When we began trying to obtain the medication for her as our patient, Diplomat became confused with why we were trying to get a contract for this patient when in their records she showed as an insured Medicaid patient. This delayed the entire process on their end, and it was not able to get straightened out in time for her chemotherapy regime to continue.

Does this help?

Thanks,  
Deana


6/16/2020

State of Utah Mail - Re: SCC for Pharmaceuticals

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[Quoted text hidden]

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 **Ibrance Specialty Pharmacy Listing and PI 2015 (1).pdf**  
320K